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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2022	.	
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The Committee on Health Policy (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1), subsection (2), paragraphs (g) and (h) of subsection (4), and subsection (5) of section 429.256, Florida Statutes, are amended to read:

429.256 Assistance with self-administration of medication.—

(1) For the purposes of this section, the term:

(b) "Medication technician" ~~"Unlicensed person"~~ means an



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11 individual not currently licensed to practice nursing or
12 medicine who is employed by or under contract with ~~to~~ an
13 assisted living facility and who has received training on ~~with~~
14 ~~respect to~~ assisting with the self-administration of medication
15 and use of point-of-care devices in an assisted living facility
16 as provided under s. 429.52 before ~~prior to~~ providing such
17 assistance as described in this section.

18 (2) Residents who are capable of self-administering their
19 own medications or using their point-of-care devices without
20 assistance shall be encouraged and allowed to do so. However, a
21 medication technician ~~an unlicensed person~~ may, consistent with
22 a dispensed prescription's label or the package directions of an
23 over-the-counter medication or point-of-care device, assist a
24 resident whose condition is medically stable with the self-
25 administration of routine, regularly scheduled medications that
26 are intended to be self-administered and may assist with a
27 resident's use of point-of-care devices. Assistance with self-
28 medication by a medication technician ~~an unlicensed person~~ may
29 occur only upon a documented request by, and the written
30 informed consent of, a resident or the resident's surrogate,
31 guardian, or attorney in fact. For the purposes of this section,
32 self-administered medications include both legend and over-the-
33 counter oral dosage forms, topical dosage forms, transdermal
34 patches, and topical ophthalmic, otic, and nasal dosage forms
35 including solutions, suspensions, sprays, and inhalers.

36 (4) Assistance with self-administration does not include:

37 (g) Assisting with medications ordered by the physician or
38 health care professional with prescriptive authority to be given
39 "as needed," unless the order is written with specific



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40 parameters that preclude independent judgment on the part of the
41 medication technician ~~unlicensed person~~, and the resident
42 requesting the medication is aware of his or her need for the
43 medication and understands the purpose for taking the
44 medication.

45 (h) Medications for which the time of administration, the
46 amount, the strength of dosage, the method of administration, or
47 the reason for administration requires judgment or discretion on
48 the part of the medication technician ~~unlicensed person~~.

49 (5) Assistance with the self-administration of medication
50 by a medication technician ~~an unlicensed person~~ as described in
51 this section ~~is shall~~ not be considered administration as
52 defined in s. 465.003.

53 Section 2. Subsection (6) of section 429.52, Florida
54 Statutes, is amended to read:

55 429.52 Staff training and educational requirements.—

56 (6) Medication technicians ~~Staff~~ assisting with the self-
57 administration of medications and point-of-care devices under s.
58 429.256 must complete a minimum of 6 additional hours of
59 training provided by a registered nurse or a licensed pharmacist
60 before providing assistance. Two hours of continuing education
61 are required annually thereafter. The agency shall establish by
62 rule the minimum requirements for medication technician ~~of this~~
63 training, which must address infection control, safe handling
64 and use of point-of-care devices, communicating with case
65 managers and health care providers, standard of care protocols
66 for the provision of care in a licensed assisted living
67 facility, identification of nursing standards, and methods of
68 assisting residents with the self-administration of medications.



69 Section 3. This act shall take effect July 1, 2022.

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71 ===== T I T L E A M E N D M E N T =====

72 And the title is amended as follows:

73 Delete everything before the enacting clause

74 and insert:

75 A bill to be entitled

76 An act relating to medication technicians; amending s.

77 429.256, F.S.; defining the term "medication

78 technician"; requiring that assisted living facility

79 residents who are able to use their point-of-care

80 devices without assistance be encouraged and allowed

81 to do so; authorizing medication technicians to assist

82 assisted living facility residents with their use of

83 point-of-care devices under certain circumstances;

84 conforming provisions to changes made by the act;

85 amending s. 429.52, F.S.; providing minimum

86 requirements and specifications for the training of

87 medication technicians; requiring the Agency for

88 Health Care Administration to adopt rules establishing

89 such requirements; providing an effective date.